

Attorney Docket No. 2003B005/2

REMARKS/ARGUMENTS**RECEIVED
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Applicant thanks the Examiner for the indication of allowability for claims 52-63.

AMENDMENTS TO THE CLAIMS

Applicant has amended independent claim 29 to include a limitation restricting the diene units in the copolymer composition to those derived from 2-methyl-1,5-hexadiene or linear α , internal, non-conjugated diene monomers. Support for this amendment may be found, *inter alia*, at paragraph [0072] of the application as filed.

No new matter has been added.

CLAIM REJECTIONS - 35 U.S.C. 102(e)

Claims 29-32 and 44-51 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Agarwal et al. (U.S. Patent Publication No. 2002/0013440, hereinafter "Agarwal") for reasons set forth in item 6 of Office action mailed 11/30/2006. The Examiner brings to Applicant's attention the disclosure of the use of vinyl norbornene as a comonomer in the propylene copolymers of Agarwal.

Applicant has herein amended his claims to encompass only those diene units derived from 2-methyl-1,5-hexadiene or linear α , internal, non-conjugated diene monomers. The dienes described in Agarwal do not encompass the claimed linear α , internal, non-conjugated diene monomers of Applicant's claims (vinyl norbornene, the only diene identified in Agarwal that may be argued to be within Applicant's description of an α , internal, non-conjugated diene is not linear, but rather cyclic). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). As Agarwal's does not disclose the use of comonomer units derived from linear, α , internal, non-conjugated diene monomers, withdrawal of the rejections and allowance of claims 29-32 and 44-51 is respectfully requested.

PROVISIONAL DOUBLE PATENTING REJECTION

The Examiner has further issued a provisional non-statutory obviousness-type double patenting rejection in light of co-pending U.S. Patent Application Serial No. 10/717,264 ("264 Application"). Applicant respectfully submit that, due to the still-unpatented nature of the '264 Application's claims, this rejection should be held in abeyance, e.g., until such point as the pending claims are allowable but for such double patenting rejections. Applicant respectfully submits that this rejection is not ripe for

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resolution until all of the claims in the instant case are allowable and allowed or issued claims in the cases to which terminal disclaimers are sought. Upon an indication of allowance of all pending claims in the instant case, Applicants will submit a terminal disclaimer with respect to those claims that ultimately issue from the '264 Application.

CONCLUSION

It is respectfully submitted that all pending claims are in condition for allowance. Accordingly, Applicant requests early and favorable reconsideration in the form of a Notice of Allowance.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket # 2003B005/2).

Respectfully submitted,

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Date



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